

# **WISCONSIN LEGISLATIVE COUNCIL STAFF**

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 98-087**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

#### **1. Statutory Authority**

The agency cites s. 254.64 (1) (d), Stats., as authority for the rule. That statute includes a provision requiring that rules adopted under the paragraph “. . . shall conform to a memorandum of understanding between the department and the department of agriculture, trade and consumer protection.” That memorandum of understanding between the two agencies should be updated to reflect the provisions of the new rule.

#### **2. Form, Style and Placement in Administrative Code**

The term “Stat.” after the initial reference to “s. 97.30” in the rule should be changed to “Stats.”

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

The provision in the rule relating to independent businesses is not clear. The clarity of the provision could be improved by rephrasing the sentence to begin “‘Incidental food service’ does not include . . . .” The agency may also wish to consider whether it intends to allow the “incidental food service” exemption to apply to an independent business that does not have its own separate kitchen facilities.